

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2017 JUL 24 AM 11:18

Guenevere Perry

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

Mary Ann Liebert Inc.; Georgia State University

Research Foundation

COMPLAINT

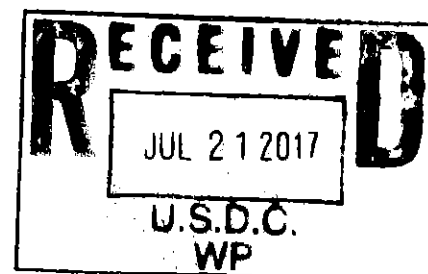
Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.



I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

The defendants violated 17 US Code 106 "Exclusive Rights in Copyrighted Works" ; 17 US Code 501 "Copyright Infringement"

Plaintiff request damages as outlined in 17 US Code 504- "Remedies for infringement: Damages and profits"; "Liability for Breach of Fiduciary Duty" 29 US Code 1109

Plaintiff work is copyright protected as outlined in 17 US Code 411 -"Registration and Civil Infringement Actions";

Plaintiff work is copyright protected as outlined in 17 US Code 412- "Registration as prerequisite to remedies for infringement"

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of _____
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of _____

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Guenevere		Perry
First Name	Middle Initial	Last Name
2855 Apalachee Pkwy Apt. 264F		
Street Address		
Leon, Tallahassee	FL	32301
County, City	State	Zip Code
404-360-0858	GPERRY1908@GMAIL.COM	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: Mary Ann Liebert Inc.

First Name	Last Name
------------	-----------

Current Job Title (or other identifying information)
--

140 Huguenot St.

Current Work Address (or other address where defendant may be served)

New Rochelle	NY	10801-5215
--------------	----	------------

County, City	State	Zip Code
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Defendant 2: Georgia State Research Foundation

First Name	Last Name
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Current Job Title (or other identifying information)
--

Current Work Address (or other address where defendant may be served)

County, City	State	Zip Code
--------------	-------	----------

Defendant 3:

First Name	Last Name
------------	-----------

Current Job Title (or other identifying information)
--

58 Edgewood Ave (P.O. Box 3987)

Current Work Address (or other address where defendant may be served)

Fulton, Atlanta	GA	30302
-----------------	----	-------

County, City	State	Zip Code
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Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIMPlace(s) of occurrence: New Rochelle, NYDate(s) of occurrence: Nov. 2014 to July 2017**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

~ 2011- Plaintiff wrote a manuscript that include a Figure of a "Novel Biological Pathway" discovered by the plaintiff. Copyrighted protected.

~ Jan. 2012- Plaintiff agreed to open access publication of manuscript with Co-defendant GSURF, but they hide manuscript from public view 2011-2013 illegally.

~ Aug. 2012- Plaintiff submitted derivative manuscript of her "Novel Biological Pathway" for publication. Dr. Pierce and GSURF pulled the manuscript illegally.

~ 2013 - Dr. Pierce and GSURF submit manuscript to defendant (Mary Ann Liebert Inc.) for publication. Manuscript includes transformative figure that includes plaintiff's Figure of her "Novel Biological Pathway". In the paper Dr. Pierce claims credit for discovery.

Plaintiff is not mentioned in the manuscript.

~ 2013- Dr. Pierce signed authorship contract with defendant, he swore liability on behalf of GSURF for plagiarism & infringement violations.

~ April 2014- Co-defendant (GSURF) was notified by plaintiff and EEOC of her complaint Dr. Pierce was attempting to discredit her and claim credit for discovery.

~ Nov. 2014- Defendant (Mary Ann Liebert) published co-defendants manuscript that included a transformative image of two combined pathways. Dr. Pierce gave the creator of the first pathway credit for his work (Dr. Yang), but claimed discovery for the second pathway of plaintiff.

~ 2015 to Jan. 2017- Plaintiff attempted to resolve issue or secure license fee to use image. The defendant GSURF declined but refused to pull publication from view.

~ Co-defendants plotted to infringe the "Novel Biological Pathway" in 2011.

GSURF has it's own on-line publication site, but the Co-defendant required the influence, credibility, and finances the defendant (Mary Ann Liebert) provided to assert discovery & ownership in a publication disseminated globally. Knowingly placing liability on defendant.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Plaintiff has sustained numerous injuries. Including decreased value of her original manuscript. Plaintiff has been unable to create a derivative work of her own manuscript in a peer review journal since the Co-defendant has claimed credit for her novel discovery. This has negatively affected plaintiff reputation in academia, reduced her ability to secure jobs in her area of expertise, & neg. credibility for attached patent.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

The plaintiff is seeking actual and statutory damages from the defendants that include \$150,000.00.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

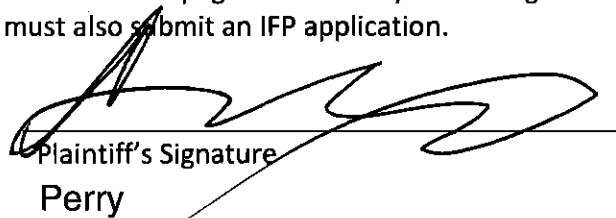
I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

07/17/2017

Dated

Guenevere



Plaintiff's Signature

Perry

First Name

Middle Initial

Last Name

2855 Apalachee Pkwy Apt. 264F

Street Address

Leon, Tallahassee

FL

32301

County, City

State

Zip Code

404-360-0858

GPERRY1908@GMAIL.COM

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



**United States District Court
Southern District of New York**

Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.² Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.³

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

³ The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

COPYRIGHT INFRINGEMENT EVIDENCE

The documents on the images from the journal article accused of copyright infringement.

Primary Author: Dr. George Pierce, PhD

Article Title: Delayed ripening of climacteric fruit by catalyst prepared from induced cells of *Rhodococcus rhodochrous* DAP 96253: A case for the biological modulation of Yang –Cycle driven process in prokaryotes.

Journal: Industrial Biotechnology

Manuscript Owner & Publisher: Mary Ann Liebert Inc.

Author Employer: Georgia State University

Manuscript Co-Owner: Georgia State University Research Foundation

Page 2: Copy of article title and abstract page.

Page 3: Pathway in question.

Part A- is correctly accredited to Dr. Yang title the “Yang Cycle”.

Part B- is a direct copy of plaintiff’s pathway from her copyrighted dissertation work.

Page 4: Copy of dissertation title page. Author (plaintiff) submitted manuscript in an open access publication. Plaintiff still has right to accept, deny, or require license fees to use her work.

Page 5: Copy of Copyright Filing

Page 6: Copy of plaintiff’s copyright pathway.

Page 7: Copy of plaintiff’s pathway without molecular structures.

Delayed Ripening of Climacteric Fruit by Catalysts Prepared from Induced Cells of *Rhodococcus rhodochrous* DAP 96253: A Case for the Biological Modulation of Yang-Cycle Driven Processes by a Prokaryote

George E. Pierce,¹ Trudy A. Tucker,¹ Cui Wang,¹
Katie Swensen,² and Sidney A. Crow, Jr.¹

¹Applied & Environmental Microbiology, Department of Biology,
Georgia State University, Atlanta, GA 30303

²United States Food and Drug Administration, Washington, DC

Abstract

Induced cells of *Rhodococcus rhodochrous* DAP 96253, when placed in the proximity of climacteric fruit (peaches, bananas, avocados) delay the ripening of the fruit. Examination of the delayed ripening shows that the induced cells possess multiple mechanisms that have the potential to impact the Yang Cycle in climacteric plants and processes such as volatile flavor and fragrance compounds related to the climacteric process. The suggestion is brought forward that these induced *R. rhodochrous* cells possess the ability to modify/modulate an important plant process.

also delayed the onset of mold growth (Fig. 2).⁵⁻⁸ It was also observed that the effects of chill injury in peaches, after extended periods of refrigeration at transport temperatures recommended by the United States Department of Agriculture, could be significantly mitigated by exposing the refrigerated peaches to induced cells of *R. rhodochrous* DAP 96253.⁸

Initially, all experiments were conducted using live cells of induced *R. rhodochrous* DAP 96253. But, to investigate practical methods, the cells were immobilized using glutaraldehyde and then cross-linked using polyethylenimine (PEI), a method that renders the cells non-replicating.⁸⁻¹¹ While no viable cells could be recovered from glutaraldehyde/PEI immobilization, the immobilized cells were still capable of delaying the ripening of peaches and/or bananas.⁵⁻⁸

Materials and Methods

MICROORGANISMS

The bulk of the delayed ripening work was conducted using *R. rhodochrous* DAP 96253. The maintenance, cultivation, and induction are detailed in Pierce et al.⁸⁻¹¹ *R. rhodochrous* DAP 96253 cells were grown on yeast extract, malt extract agar

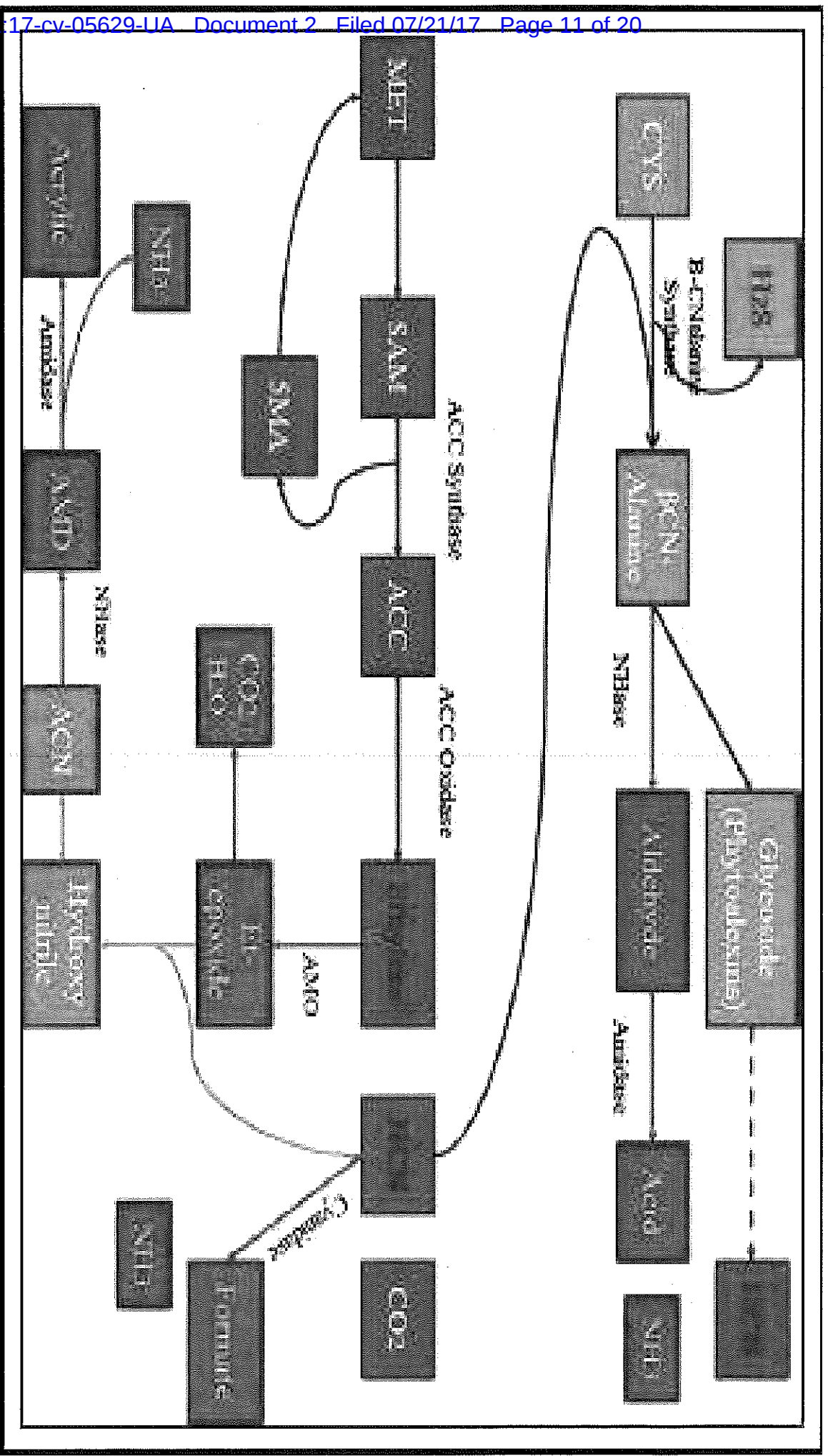


Fig. 6. Yang Cycle with potential mechanisms for the interaction of induced cells of *Rhodococcus rubroochrous* DAP 96253 (red boxes) with the Yang Cycle in climacteric fruits; green boxes represent potential abiotic mechanisms.

12-14-2011

Enhancing the Expression of Enzymes Used to Degrade Hydrocarbons and Cyanohydrins in *Rhodococcus* sp. DAP 96253 by Using Inducers such as Cobalt, Urea, and Propylene Gas; Also Enhances the Ability of the Bacteria to Delay the Ripening of Several Fruit Species

Guenevere Diane Perry

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Recommended Citation

Perry, Guenevere Diane, "Enhancing the Expression of Enzymes Used to Degrade Hydrocarbons and Cyanohydrins in *Rhodococcus* sp. DAP 96253 by Using Inducers such as Cobalt, Urea, and Propylene Gas; Also Enhances the Ability of the Bacteria to Delay the Ripening of Several Fruit Species." Dissertation, Georgia State University, 2011.
http://scholarworks.gsu.edu/biology_diss/102

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ENHANCING THE EXPRESSION OF ENZYMES USED TO DEGRADE HYDROCARBONS AND...

Type of Work: Entry not found

Registration Number / Date: TX0007975301 / 2014-06-10

Application Title: ENHANCING THE EXPRESSION OF ENZYMES USED TO DEGRADE HYDROCARBONS AND CYANOHYDRINS IN RHODOCOCUS sp. DAP 96253 BY USING INDUCERS SUCH AS COBALT, UREA, AND PROPYLENE GAS. ALSO ENHANCES THE ABILITY OF THE BACTERIA TO DELAY THE RIPENING OF SEVERAL FRUIT SPECIES.

Title: ENHANCING THE EXPRESSION OF ENZYMES USED TO DEGRADE HYDROCARBONS AND CYANOHYDRINS IN RHODOCOCUS sp. DAP 96253 BY USING INDUCERS SUCH AS COBALT, UREA, AND PROPYLENE GAS. ALSO ENHANCES THE ABILITY OF THE BACTERIA TO DELAY THE RIPENING OF SEVERAL FRUIT SPECIES.

Description: Electronic file (eService)

Copyright Claimant: Guenevere Perry. Address: 3620 Victory St. Albany, GA, 31721, United States.

Date of Creation: 2011

Date of Publication: 2013-08-15

Nation of First Publication: United States

Authorship on Application: Guenevere Perry; Domicile: United States; Citizenship: United States; Authorship: text, photograph(s), editing, artwork.

Rights and Permissions: Guenevere Perry; G&A Innovative Solutions, LLC, P.O. Box 5781, Albany, GA, 31726, United States, (678) 756-4832, (678) 756-4832, gperry98@hotmail.com

Names: Perry, Guenevere

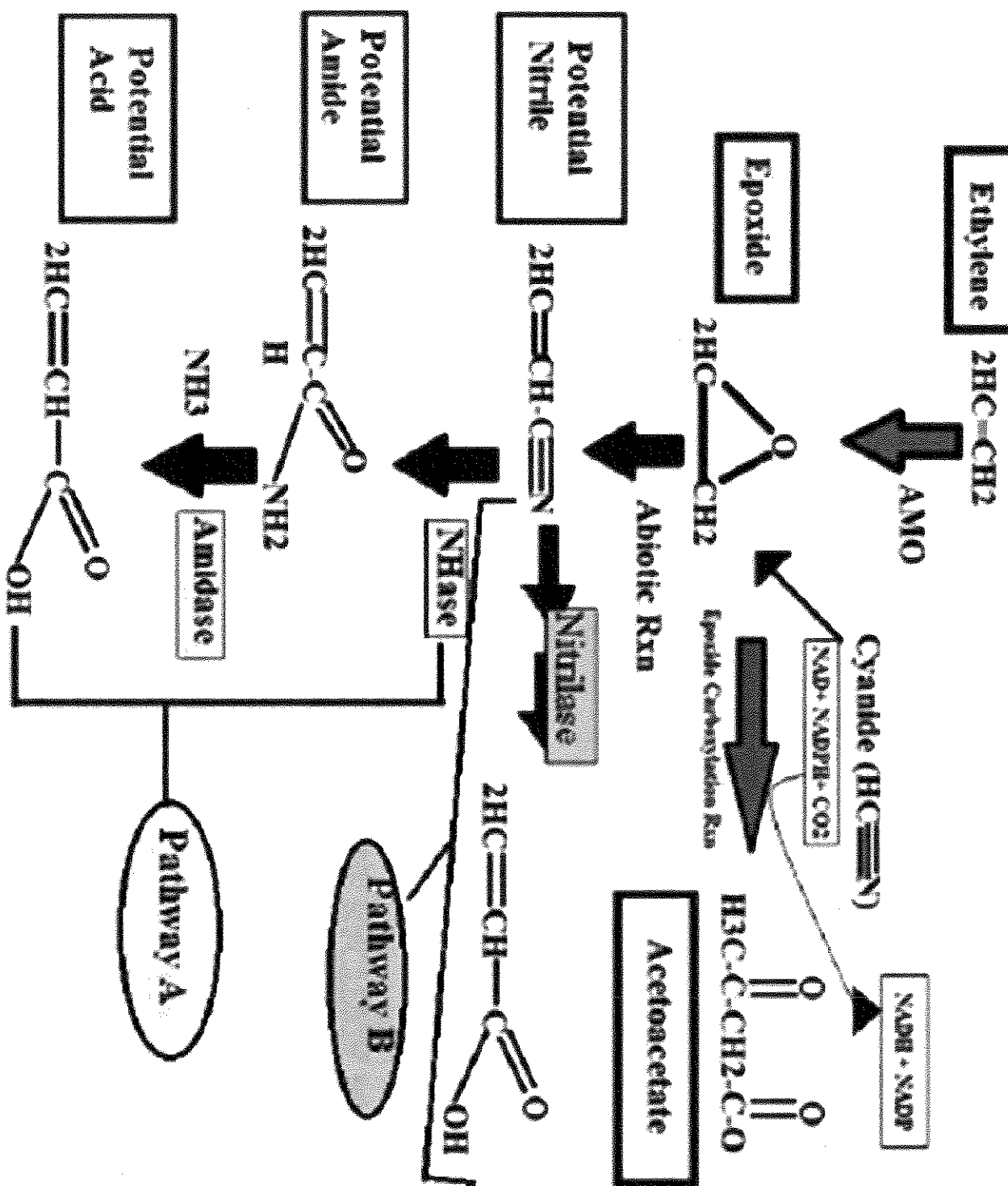


Figure 33: Modified Potential Ethylene Degradation pathway used by *A. rhodochrous* DAP 96253

Infringement Evidence



**Perry's Pathway from
Perry's Dissertation 2014 (Figure 33)**

Evidence Intent to Defraud and Infringe Copyrighted Work

The documents in this section are used to show an intent by the defendant's employer Georgia State University support the author Dr. Pierce (their employee) actions to discredit the plaintiff in order to claim credit for the plaintiffs novel pathway.

In 2012, the plaintiff attempted to publish a paper with Dr. Pierce. The manuscript would include the plaintiff's novel pathway. Dr. Pierce falsely pulled the manuscript from review and falsely discredit the plaintiff to make her appear incompetent.

He later published her pathway in his paper in 2014.

Copyright Infringement Defendant: Mary Ann Liebert Publishing Company

Contributory Infringement & Breach of Fiduciary Duty Defendant: Georgia State University Research Foundation

Page 2: Copy of email Dr. Pierce (Infringement Author) pulled plaintiff paper from publication.

Page 3: Copy of prior email plaintiff sent Dr. Pierce that shows the infringement author lied and falsely discrete plaintiff to set stage to go back and claim her work/discovery as his own.

Page 4: Notification of plaintiff's claim (Dr. Pierce was attempting to claim ownership/ credit for plaintiff's novel discovery) was sent to Georgia State University in April 2014. The university has 7 months to take action to prevent the infringement, but declined to personal gains for the university.

> From: sithara.shenoy@springer.com
> To: gperry98@hotmail.com
> Date: Tue, 7 Aug 2012 10:46:01 -0400
> Subject: JIMB - Manuscript Sent Back
>
> Dear Dr Guenevere Perry,
>
> Your submission entitled "Understanding how nitrile hydrolyzing enzymes help R. rhodochrous strain DAP
96253 cells delay the ripening of several fruit species." has been received.
>
> We are sending this paper back to you as we received the below mail from the co-author of this paper.
Kindly resubmit the paper after the approval of all the authors.
>
> Dear Editor:
>
> I am not aware, and do not approve. The paper in question has not been through legal-review, and as
such has not been approved. Please return this MS immediately. If you would like a formal response from
our legal department regarding this, I will be happy to do so.
>
> I am very sorry for this very situation.
>
> Sincerely,



eGueneverere Perry 8/02/12
To: gpierce@gsu.edu

Hello Dr. Pierce,

I hope you are having a great week. I have completed the research paper I showed you 3 wks ago. I am still searching for the right job and many of the employers that have interviewed me state that I lack publications or a patent number for them to reference. So I decided that I am going to submit the paper to a journal this weekend.

Potential employers have stated that the publications and/or patents are ways they can access my research and analytical skills. I really need this publication to increase my chances of getting a better job.

Please contact me if you have any additional questions.

Thank You

Gueneverere Perry

678-756-4832

Title: Understanding the potential role nitrile hydratase enzymes play in induced *Rhodococcus rhodochrous* cells ability to delay the ripening of several fruit species.

Authors: Gueneverere Perry, Fengkui Du, Amber Ward, and George Pierce

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

410-2014-03165

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., MRS.)

Guenevere D. Perry

Home Phone (incl. Area Code)

(678) 756-4832

Date of Birth

09-25-1979

Street Address

3620 Victory Street, Albany, GA 31721

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

GEORGIA STATE UNIVERSITY

No. Employees, Members

500 or More

Phone No. (include Area Code)

(404) 413-2000

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE

☐ COLOR

☐ SEX

☐ RELIGION

☐ NATIONAL ORIGIN

☒ RETALIATION

☐ AGE

☐ DISABILITY

☐ GENETIC INFORMATION

☐ OTHER (Specify)

☐ CONTINUING ACTION

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

08-20-2007

Latest

04-21-2014

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s).)

I was hired with the above-named employer as a Graduate Research Assistant in August 2007. On or around August 20, 2007, to December 13, 2011, I earned less in stipends than anyone in the PHD program. I complained to the above-named employer about receiving a less stipend on several occasions. From June 30, 2011, to the present, I have been subjected to harassment and bullying by my Advisor, George Pierce (White). Mr. Pierce has denied me a publication and patent right which has hindered me from future employment in my field. I complained on numerous occasions about the harassment and bullying to Office of Graduate Affairs, Dean of Arts and Sciences, Biology Chair and legal. No action has been taken regarding my complaints.

I believe that I have been discriminated against because of my race (African American), and in retaliation for complaining internally, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Apr 21, 2014

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I am the person who made this charge and that it is true to the best of my knowledge, information and belief.

RECEIVED

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)

APR 21 2014
EEOC-AITDO

FedEx

Express

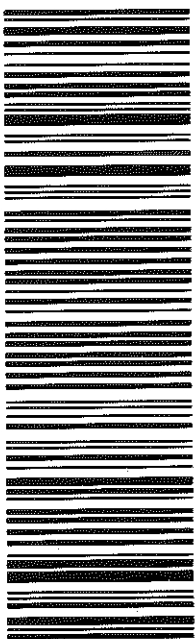
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FedEx carbon-neutral
envelope shipping

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SDNY

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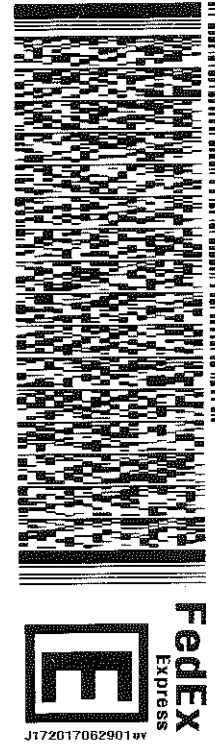
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NY-US SWF

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EXPRESS SAVER



WHITE PLAINS NY 10601
REF: (914) 390-4166
P01 DEPT:

TO UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NY
300 QUARROPAS ST

ORIGIN ID: TLHA (404) 360-0858
GLEN PERRY
2855 APALACHEE PKWY APT 264F
TALLAHASSEE, FL 32301
UNITED STATES US
SHIP DATE: 18 JUL 17
ACTWT: 0.60 LB
CAD: 6995894/SSFO1802

Align top of FedEx Express® shipping label here.

Part # 156297-430 H22 EXF 0018**
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